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File ID Number	22-1253
Introduction Date	May 11, 2022
Enactment Number	22-0757
Enactment Date	May 11, 2022 er



**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Joshua R. Daniels, Chief Governance Officer
Kelly Krag-Arnold, Acting Director, Office of Charter Schools

Meeting Date May 11, 2022

Subject Oakland School of the Arts J13A Waiver

Ask of the Board Adoption by the Board of Education of Resolution No. 2122-0083 - Approval of OSA’s J-13A Waiver

Background The Oakland School for the Arts (“OSA”), a charter school authorized by OUSD, is seeking a J-13A Waiver from the California Department of Education related to the loss of attendance and instructional time due to COVID-19. As a charter school, the process requires that OSA submit its J-13A Waiver to its authorizer (i.e., the OUSD Board) and that the OUSD Superintendent must approve it. OSA has submitted the proper forms to OUSD and requests that they be approved by the Superintendent. Upon review by staff, the forms appear to be complete, although the substantive statements therein (e.g., OSA properly held a noticed Board meeting to approve submitting the waiver) are not required to be verified and have not been.

Discussion The Resolution would authorize and direct the Superintendent to approve and sign OSA’s J-13A Waiver and submit it, as needed, to other governmental agencies.

Fiscal Impact N/A

Attachment

- Resolution No. 2122-0083 - Approval of OSA’s J-13A Waiver
- Oakland School for the Arts J-13A Waiver

**RESOLUTION OF THE
BOARD OF EDUCATION OF THE
OAKLAND UNIFIED SCHOOL DISTRICT**

Resolution No. 2122-0083

Approval of OSA's J-13A Waiver

WHEREAS, the Oakland School for the Arts ("OSA"), a charter school authorized by OUSD, is seeking a J-13A Waiver from the California Department of Education related to the loss of attendance and instructional time due to COVID-19;

WHEREAS, as a charter school, the process requires that OSA first submit its J-13A Waiver to its authorizer to then be signed by the authorizer's Superintendent;

WHEREAS, OSA has submitted the proper documentation to OUSD and requests that they be approved by the Superintendent;

WHEREAS, the documentation appears to be complete, although the substantive statements therein (e.g., OSA properly held a noticed Board meeting to approve submitting the waiver) are not required to be verified and have not been.

NOW, THEREFORE, BE IT RESOLVED, the Board of Education ("Board") hereby authorizes and directs the Superintendent to approve and sign OSA's J-13A Waiver (attached) and submit it, as needed, to other governmental agencies.

PASSED AND ADOPTED by the Board of Education of the Oakland Unified School District this 11th day of May, 2022, by the following vote:

PREFERENTIAL AYE: None

PREFERENTIAL NOE: None

PREFERENTIAL ABSTENTION: None

PREFERENTIAL RECUSE: None

AYES: Aimee Eng, Mike Hutchinson, Clifford Thompson, Vice President Benjamin "Sam" Davis

NOES: None

ABSTAINED: None

RECUSED: None

ABSENT: (Vacancy), VanCedric Williams, President Gary Yee, Samantha Pal (Student Director), Natalie Gallegos Chavez (Student Director)

CERTIFICATION

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at the Meeting of the Board of Education of the Oakland Unified School District held on May 11, 2022.

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By:	er

OAKLAND UNIFIED SCHOOL DISTRICT



Gary Yee
President, Board of Education



Kyla Johnson-Trammell
Superintendent and Secretary, Board of Education

CALIFORNIA DEPARTMENT OF EDUCATION
REQUEST FOR ALLOWANCE OF ATTENDANCE DUE TO EMERGENCY CONDITIONS
 FORM J-13A, REVISED DECEMBER 2017

SECTION A: REQUEST INFORMATION

- This form is used to obtain approval of attendance and instructional time credit pursuant to *Education Code (EC)* sections 41422, 46200, 46391, 46392 and *California Code of Regulations (CCR)*, Title 5, Section 428.
- Only schools that report Principal Apportionment average daily attendance (ADA) for the purpose of calculating a K-12 Local Control Funding Formula (LCFF) entitlement should submit this form.
- Refer to the instructions and frequently asked questions at <https://www.cde.ca.gov/fg/aa/pa/13a.asp> for information regarding the completion of this form.

PART I: LOCAL EDUCATIONAL AGENCY (LEA)

LEA NAME: Oakland School for the Arts	COUNTY CODE: 01	DISTRICT CODE: 61259	CHARTER NUMBER (IF APPLICABLE): 0340
LEA SUPERINTENDENT OR ADMINISTRATOR NAME: Lisa Sherman-Colt	FISCAL YEAR: 21-22		
ADDRESS: 530 18th St.	COUNTY NAME: Alameda		
CITY: Oakland	STATE: Ca.	ZIP CODE: 94612	
CONTACT NAME: Mike Oz	PHONE: (510)873-8812	E-MAIL: mooz@oakarts.org	
TITLE: Principal			

PART II: LEA TYPE AND SCHOOL SITE INFORMATION APPLICABLE TO THIS REQUEST (Choose only one LEA type):

<input type="checkbox"/> SCHOOL DISTRICT Choose one of the following: <input type="checkbox"/> All district school sites <input type="checkbox"/> Select district school sites	<input checked="" type="checkbox"/> COUNTY OFFICE OF EDUCATION (COE) Choose one of the following: <input type="checkbox"/> All COE school sites <input type="checkbox"/> Select COE school sites	<input checked="" type="checkbox"/> CHARTER SCHOOL
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PART III: CONDITION(S) APPLICABLE TO THIS REQUEST:

SCHOOL CLOSURE: When one or more schools were closed because of conditions described in EC Section 41422. LCFF apportionments should be maintained and instructional time credited in Section B for the school(s) without regard to the fact that the school(s) were closed on the dates listed, due to the nature of the emergency. Approval of this request authorizes the LEA to disregard these days in the computation of ADA (per EC Section 41422) without applicable penalty and obtain credit for instructional time for the days and the instructional minutes that would have been regularly offered on those days pursuant to EC Section 46200, et seq.

There was a Declaration of a State of Emergency by the Governor of California during the dates associated with this request.

MATERIAL DECREASE: When one or more schools were kept open but experienced a material decrease in attendance pursuant to EC Section 46392 and CCR, Title 5, Section 428. Material decrease requests that include all school sites within the school district must demonstrate that the school district as a whole experienced a material decrease in attendance. Material decrease requests for one or more but not all sites within the school district must show that each site included in the request experienced a material decrease in attendance pursuant to EC Section 46392 and CCR, Title 5, Section 428. The request for substitution of estimated days of attendance for actual days of attendance is in accordance with the provisions of EC Section 46392. Approval of this request will authorize use of the estimated days of attendance in the computation of LCFF apportionments for the described school(s) and dates in Section C during which school attendance was materially decreased due to the nature of the emergency.

There was a Declaration of a State of Emergency by the Governor of California during the dates associated with this request.

LOST OR DESTROYED ATTENDANCE RECORDS: When attendance records have been lost or destroyed as described in EC Section 46391. Requesting the use of estimated attendance in lieu of attendance that cannot be verified due to the loss or destruction of attendance records. This request is made pursuant to EC Section 46391:
"Whenever any attendance records of any district have been lost or destroyed, making it impossible for an accurate report on average daily attendance for the district for any fiscal year to be rendered, which fact shall be shown to the satisfaction of the Superintendent of Public Instruction by the affidavits of the members of the governing board of the district and the county superintendent of schools, the Superintendent of Public Instruction shall estimate the average daily attendance of such district. The estimated average daily attendance shall be deemed to be the actual average daily attendance for that fiscal year for the making of apportionments to the school district from the State School Fund."

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FORM J-13A, REVISED DECEMBER 2017

Not Applicable (Proceed to Section E)

SECTION D: LOST OR DESTROYED ATTENDANCE RECORDS

PART I: PERIOD OF REQUEST The entire period covered by the lost or destroyed records commences with _____ up to and including _____.

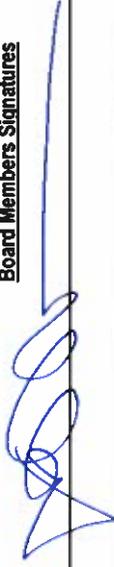
PART II: CIRCUMSTANCES (Describe below circumstances and extent of records lost or destroyed.)

PART III: PROPOSAL (Describe below the proposal to reconstruct attendance records or estimate attendance in the absence of records.)

CALIFORNIA DEPARTMENT OF EDUCATION
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FORM J-13A, REVISED DECEMBER 2017

SECTION E: AFFIDAVIT

PART I: AFFIDAVIT OF SCHOOL DISTRICT, COUNTY OFFICE OF EDUCATION, OR CHARTER SCHOOL GOVERNING BOARD MEMBERS – All applicable sections below must be completed to process this J-13A request.
We, members constituting a majority of the governing board of Oakland School for the Arts, hereby swear (or affirm) that the foregoing statements are true and are based on official records.

<u>Board Members Names</u>	<u>Board Members Signatures</u>
Josefina Alavarado-Mena	
Adrienne D. Barnes	
Safia Fasah	
Wei-Ling Huber	
Jason Reimann	
Dewayne Walton	

At least a majority of the members of the governing board shall execute this affidavit.
Subscribed and sworn (or affirmed) before me, this 27th day of January, 2022
Witness: Benny Douglas (Name)  (Signature) Title: Chief of Staff of Alameda County, California

PART II: APPROVAL BY SUPERINTENDENT OF CHARTER SCHOOL AUTHORIZER (Only applicable to charter school requests)
Superintendent (or designee): _____ (Name) _____ (Signature) Authorizing LEA Name: _____

PART III: AFFIDAVIT OF COUNTY SUPERINTENDENT OF SCHOOLS
The information and statements contained in the foregoing request are true and correct to the best of my knowledge and belief.
County Superintendent of Schools (or designee): _____ (Name) _____ (Signature)

Subscribed and sworn (or affirmed) before me, this _____ day of _____, _____
Witness: _____ (Name) _____ (Signature) Title: _____ of _____ County, California
COE contact/individual responsible for completing this section:
Name: _____ Title: _____ Phone: _____ E-mail: _____

Form J-13A Addendum, COVID-19 Related Staffing Shortages

Use of this addendum is authorized by California *Education Code (EC)* sections 41422(c)(3) and 46392(c)(2)(B). By including this completed addendum with the fully executed Form J-13A affidavit, the local educational agency (LEA) attests to meeting the requirements listed below:

From September 1, 2021, to June 30, 2022, inclusive, an LEA may receive the same apportionment from the State School Fund and/or average daily attendance credit for school closures related to impacts from COVID-19 due to COVID-19 related staffing shortages if the following conditions are established to the satisfaction of the Superintendent by affidavits of the members of the governing board or body of the school district, county office of education, or charter school and the county superintendent of schools:

(i) The LEA is unable to provide in-person instruction to students due to staffing shortages as a result of staff quarantine due to exposure to, or infection with, COVID-19 pursuant to local or state public health guidance.

(ii) For certificated staff shortages, the LEA has exhausted all options for obtaining staff coverage, including using all certificated staff and substitute teacher options, and has consulted with their county office of education and the Superintendent in determining that staffing needs cannot be met through any option.

(iii) For classified staff shortages, the LEA has exhausted all options for obtaining staff coverage, including using all staff options, and has consulted with their county office of education and the Superintendent in determining that staffing needs cannot be met through any option.

<p>1. Indicate the category of staff involved in the staffing shortage:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <input type="checkbox"/> Teaching Shortage, Non-Special Education <input type="checkbox"/> Teaching Shortage, Special Education </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <input type="checkbox"/> Classified Staff Shortage - Transportation <input type="checkbox"/> Classified Staff Shortage – Food Service <input type="checkbox"/> Classified Staff Shortage – Other </td> </tr> </table>	<ul style="list-style-type: none"> <input type="checkbox"/> Teaching Shortage, Non-Special Education <input type="checkbox"/> Teaching Shortage, Special Education 	<ul style="list-style-type: none"> <input type="checkbox"/> Classified Staff Shortage - Transportation <input type="checkbox"/> Classified Staff Shortage – Food Service <input type="checkbox"/> Classified Staff Shortage – Other
<ul style="list-style-type: none"> <input type="checkbox"/> Teaching Shortage, Non-Special Education <input type="checkbox"/> Teaching Shortage, Special Education 	<ul style="list-style-type: none"> <input type="checkbox"/> Classified Staff Shortage - Transportation <input type="checkbox"/> Classified Staff Shortage – Food Service <input type="checkbox"/> Classified Staff Shortage – Other 	
<p>2. How many staff were unable to provide instruction due to COVID-19:</p> <p>19</p>		
<p>3. Describe the circumstances that led to the COVID-19 related staffing shortage:</p> <p>Omicron virus spread through staff after winter break. On Thursday 1/6/2022 12 employees were out, on Friday 13 were out, and on Monday 2/10/2022, 19 were out and unlikely to return before a full 10 days of isolation. Anyone certified to be in a classroom was teaching, from Principal, Assistant Principal and Dean - all were in classrooms. Classes were combined, leading to crowded rooms.</p>		
<p>4A. Describe how the LEA exhausted all options for obtaining staff coverage, including using all certificated staff and substitute teacher options for certificated staff shortages, all staff options for classified staff shortages:</p> <p>All credentialed and certificated staff were called upon to fill those roles, plus our sub agency and personal network were unable to help.</p>		
<p>4B. Describe how the LEA exhausted all options, as a result of the consultation with the LEA's county office of education and the California Department of Education:</p> <p>We consulted Alameda County Office of Ed and CDE, and received guidance to combine classes, and use all possible credentialed staff. Even following this guidance, we were unable to adequately and safely staff our school.</p>		

Certification Form for Independent Study

Section A: Independent Study Plan Certification

Pursuant to *Education Code (EC)* Section 46393, for Form J-13A submissions due to a school closure and/or material decrease in attendance occurring after September 1, 2021, a school district, county office of education, or charter school that provides a Form J-13A affidavit to the Superintendent, pursuant to *EC* Section 41422 (school closure) or *EC* Section 46392 (material decrease), shall certify that it has a plan for which independent study will be offered to students, pursuant to Article 5.5 (commencing with *EC* Section 51745) of Chapter 5 of Part 28 of Division 4. The independent study plan shall comply with all of the following:

- (1) Independent study is offered to any student impacted by any of the conditions listed in *EC* Section 46392 within 10 days of the first day of a school closure or material decrease in attendance. Students who are individuals with exceptional needs shall receive the services identified in their individualized education programs pursuant to paragraph (9) of subdivision (a) of *EC* Section 56345 and may participate in an independent study program.
- (2) Require reopening for in-person instruction as soon as possible unless prohibited under the direction of the local or state health officer.
- (3) Notwithstanding subdivision (c) of *EC* Section 51745 or subparagraph (F) of paragraph (9) of subdivision (g) of Section 51747, include information regarding establishing independent study master agreements in a reasonable amount of time.

A copy of the independent study plan, and if applicable, the state or local public health or public safety order that required school closure shall accompany the Form J-13A submitted to the California Department of Education.

I hereby certify that the independent study plan accompanying this Form J-13A submission meets the requirements described above and is true and correct to the best of my knowledge and belief.

Section B: Independent Study Offering Certification (For COVID-19 Closures only)

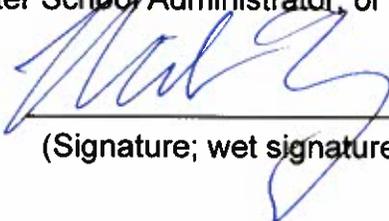
Pursuant to *EC* Section 41422, from September 1, 2021, to June 30, 2022, inclusive, a school district, county office of education, or charter school may receive credit for instructional days and minutes that were scheduled for in-person instruction, as demonstrated by the governing board or body approved calendar in place before the event, on days in which the school district, county office of education, or charter school was prevented from maintaining school due to impacts from COVID-19 provided that instruction was offered to all eligible pupils through independent study pursuant to Article 5.5 (commencing with *EC* Section 51745) of Chapter 5 of Part 28 of Division 4 and implementing regulations adopted thereunder.

I hereby certify that instruction was offered to all eligible pupils through independent study pursuant to Article 5.5 (commencing with *EC* Section 51745) of Chapter 5 of Part 28 of Division 4 and implementing regulations adopted thereunder during the school closure dates resulting from impacts due to COVID-19 listed in the Form J-13A request accompanying this certification.

School District Superintendent, Charter School Administrator, or County Superintendent (or designee):

Mike Dz

(Typed Name)



(Signature; wet signature only)

2/16/22

(Date)

Certification Form for Independent Study Instructions

Why file:

Section A: Independent Study Plan Certification:

Pursuant to California *Education Code (EC)* Section 46393, any Form J-13A submission that includes emergency dates occurring after September 1, 2021 must be submitted with a signed Independent Study Plan Certification and a certified plan to offer independent study within ten days of the first day of a school closure or material decrease.

Note: The Independent Study Certification and independent study plan is only necessary for the local educational agency's (LEA's) first Form J-13A submission that includes emergency dates after September 1, 2021. To the extent that there are no changes to the LEA's certified plan, all subsequent Form J-13A submissions do not need to include the certification and certified plan.

Section B: Independent Study Offering Certification (For COVID-19 Closures only):

Pursuant to *EC* Section 41422, for COVID-19 related school closure Form J-13A requests for events occurring from September 1, 2021 to June 30, 2022, not including closures due to COVID-19 related staffing shortages, all eligible local educational agencies (LEAs) must provide an Independent Study Offering Certification to obtain instructional time credit for the closure.

How to file:

The Certification Form for Independent Study is available at <https://www.cde.ca.gov/fg/aa/pa/j13aforms.asp>. All applicable sections of the form must be completed. The executed certification form and certified independent study plan must be attached to the entire Form J-13A package and mailed to the California Department of Education (CDE).

Where to file:

Mail the entire Form J-13A package to:

School Fiscal Services Division
California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814

Section A: Independent Study Plan Certification:

Complete Section A to certify that the independent study plan accompanying the Form J-13A submission for emergency dates occurring after September 1, 2021 meets the described requirements and is true and correct.

Section B: Independent Study Offering Certification (For COVID-19 Closures only):

Complete Section B to certify that instruction was offered to all eligible pupils through independent study during the school closure dates resulting from impacts due to COVID-19 listed in the Form J-13A request accompanying the certification.

Signature:

The school district superintendent, charter school administrator, county superintendent, or a designee must sign the form. Only an original "wet" signature is acceptable for the Certification Form for Independent Study.